

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-160-C - ORDER NO. 2003-341

MAY 23, 2003

IN RE: Request of NuVox Communications, Inc. for) ORDER REVERSING
Approval of an Additional Thousand Block of) NANPA DECISION
Numbers 864/721 for Lyman, SC Exchange)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Request of NuVox Communications, Inc. (NuVox or the Company) for approval of an additional thousand block of numbers 864/721 for its Lyman, South Carolina Exchange as a result of the denial by the North American Numbering Plan Administration (NANPA) of NuVox's application for use of central office code numbering resources in the 864 area code.

The Federal Communications Commission (FCC) has set a "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must establish that existing inventory within the carrier's rate center will be exhausted within six months of their code application (months-to-exhaust or MTE), and the carriers must meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources.

On or about May 7, 2003, NuVox submitted a Pooling Administration System request for Thousand Number Block Relief for the assignment of one number block in the Lyman exchange needed to meet the numbering demands of a potential new customer.

On or about May 7, 2003, NuVox completed a request for additional numbering resources (copy of NuVox's request for thousand block number relief is attached to NuVox's instant request) to NANPA and NeuStar, the pooling administration, for assignment of additional resources. At the time of the filing of the code request, the NuVox Lyman Rate Center had a MTE of 54.494 months and a utilization of 1.00%.

Thereafter, on May 9, 2003, NANPA's Central Office Code Administration denied NuVox's code request because NuVox had not met the rate center based MTE criterion now set forth in the Central Office Code (NXX) Guidelines.

According to NuVox, based on the FCC/ATIS guidelines, the Company donated all underutilized number blocks to the Number Pooling Administration (NPA) upon the implementation of mandatory number pooling for the 864 NPA of South Carolina. NuVox states that it retained one number block (0000-0999) for the Company's existing customers in the 864-271 exchange. According to NuVox, the Company's new customer is requesting 87 consecutive lines. Although sufficient consecutive numbers exist in the 0000-0999 number block, NuVox asserts that translation and routing constraints within the new customer's PBX system prevent the use of numbers beginning with "0". According to NuVox, any number beginning with "0" would always be routed to the operator since the PBX does not have 6 digit screening.

The FCC holds a position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at Paragraph 61.

Both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines provide that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. Prior to the FCC's Order and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under today's procedures, NANPA looks at MTE for the entire rate center without any exceptions. The FCC has determined, however, that States may grant relief "if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362, Paragraph 64. In addition, the FCC has ruled that, "States...may grant requests for customers seeking contiguous block of numbers." Id.

NuVox therefore requests that this Commission reverse NANPA's decision to withhold numbering resources from the Company. NuVox states that its request of the additional number block of 864-721-2000-2999 is in order to provide service to its new customer. The present matter, adds NuVox, is a competitive situation and NuVox's loss of the potentially new customer would be due to the withholding of the additional number block assignment. Specifically, NuVox requests that this Commission reverse the decision of NANPA denying NuVox's request for additional numbering resources and direct NANPA to provide the requested central office code for the Lyman switch.

MAY 23, 2003

PAGE 4

We agree with NuVox and hereby reverse NANPA's decision. We hold that NuVox has demonstrated that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. NANPA is hereby directed to approve NuVox's code assignment request originally submitted on or about May 7, 2003 for the assignment of a NXX code in the Lyman exchange needed to meet the number demands of its new customer in the 864-721 exchange. We believe that the additional numbering resource is necessary to meet the legitimate demands of NuVox's customer for telecommunications service. Further, it should be noted that this request would not materially impact exhaustion of the available NXXs in the 864 area code.

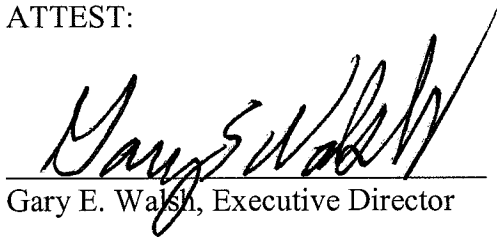
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)